(1)

Supreme Court, U.S.
FILED

98 146 JUL 16 1998

Docket No._____

In The

Supreme Court of the United States

October Term,1997

Daniel B. Snyder, Pro Se

v.

Joe Morgan--Steven R. Williams, atty.

On Petition for Writ of Certiorari To The

Pennsylvania State Supreme Court

Petitioner
Daniel B. Snyder
2672 Bristol Road
Warrington PA 18976
(215) 343-2454

Respondent for Joe Morgan
Steven R. Williams, atty
508 North Second Street
Harrisburg PA 17108
(717)234-4224

29 pp

Questions Presented

1. Should a defective commonwealth court order & written opinion be allowed to stand?

2. Should a commonwealth court judge be allowed to conspire with an attorney for the petitioner/objector in an election case ?

3. Should the Pennsylvania Supreme Court be allowed to sanction the conspiracy with a cover up by failing to render it 's required ruling and right to a final judgement(federal right of due process).

4. Should this court take the action necessary to correct the actions of a crooked judge and the subsequent election fraud by ordering that the primary results are to be set aside, and that a republican primary for the 12th State Senate District of Pennsylvania will be held on November 3, 1998 ?

Table of Contents

Questions Presented.....page 2
Table of Contents.....page 3
Table of Cases.....page 4
Jurisdictional Statement.....page 5
Authorities Relied Upon.....page 5
For Due Process
Statement of Case.....page 7
Reason for Granting.....page 8
Writ of Certiorari
Summary of Argument.....page 9
Argument.....page 9
Conclusion.....page 10
Appendix.....page 12
Excerpts from Commonwealth.....page 12
Court Transcripts
Commonwealth Court Opinion.....page 23
Commonwealth Court Order.....page 24
Order Granting Jurisdiction.....page 25
PA State Supreme Court Order.....page 26
Motion to Reconsider Denied.....page 27

Table of Cases

Pennywell v. Rushen 706F 2d 355
(9th cir. 1983)

Serelas v. Sheehan 326F 2d 5490
(7th cir.)

Atkins v. United States
566F 2d 1028

People v. Russel 70 reptr
210 215 448

Labrier v. Anheuser Ford Inc.
Mo. 621-SW 2d-51-58

Jurisdictional Statement

The authority of this court is pursuant to article III section 2 of the U. S. Constitution .

The time element of jurisdiction: The State Supreme Court order of May 15th 1998 and this petition being filed in the month of July of the same year,1998,fall within the required ninety day limit.

Authorities Relied Upon For Due Process

Article III Section 2- The judicial power shall extend to all cases, in law and equity, arising under this constution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between citizens of the same state claiming land under grants of different states, and between a state , or citizens thereof and foreign

Authorities Relied Upon For Due Process

Continued

states, citizens or subjects. In all cases affecting ambassadors, ther public ministers and counsuls, and those in which a state shall be party the supreme court shall have original jurisdiction. In all other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such execptions, and under such regulations as the congress shall make.

U.S.Constitution Article 14- Pertinent part--> " No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law."

Pennywell v. Rushen 706F 2d 355 (Due Process) (9th cir. 1983)

Sarelas v. Sheehan 326F 2d 490 (Due Process) (7th cir.)

Atkins v. United States (Due Process)
556F 2d 1028

People v. Russel 70 reptr (Due Process)
210 215 448

Labrier v. Anheuser Ford Inc.
Mo. 621-sw 2d-51-58 (Legal Malice of State Supreme Court)

Statement of the Case

The 12th state senate republican primary included incumbant Stewart Greenleaf and candate Daniel B. Snyder. Snyder's petitions were challenged by Joe Morgan a committeeman who resides in the 12th senate district. Snyder complained about the suit because he had not been served; filed a motion to dismiss due to lack of service. Said motion was to be reviewed and ruled on by the single judge commonwealth court(March 31,1998). Judge Pelligrini preempted this with his opening statement," Mr. Snyder you have obviously been served";a ruling on service the disclosed by the

judge prior to testimony on was service by the constable. Judge rules again- service valid- Snyder leaves to file direct appeal with the PA Supreme Court. State Supreme Court operates ultra juris as it pretended to have discretion over a direct appeal which it does not have by issuing an order affirming lower court ruling. Snyder filed motion to reconsider (motion to
reconsider contains assertion of federal right to due process). Motion to reconsider was denied on May 15, 1998.

Reason for Granting Certiorari

1. The state Court of last resort has ignored the Constitutional requirement of a final judgement. Therefore this U.S. Supreme Court is actually the court of first appeal, since the only court action is from a one judge trial court. The Federal right of due process is being violated by the entire court system in Pennsylvania election cases.

Summary of Argument

A brief review of the court record and transcripts will show a conspiracy between the commonwealth court judge and counsel for the petitioner/objector. State Supreme Court simply ignores its own responsibility and affirms a defective opinion. Petitioner Snyder has his due process rights violated by Pa. State Supreme Court due to their legal malice.

Argument

1. From the outset of the court hearing which did not contain a hearing on service it became clear that Judge Pelligrini was working for the petitioner /objector in case #253 M.D. Written opinion is based on heresay, speculation and a lie about the known residence of Mr. Snyder.

Argument Continued

2. The Commonwealth Court judge on page 4 of transcripts shows that he already Knows how to rule before he has heard the evidence, showing a conspiracy.

3. For at least the last 10 years the PA State Supreme Court has used an order affirming the lower court opinion when the real action should be a final judgement.

4. A judgement can be made pursuant to 28 U.S.C. sec. 2201 to void the May 19th primary results.

Conclusion

1. An order removing Judge Dan Pellegrini from the PA commonwealth Court bench.

2. An order to the PA Supreme Court that all future direct appeals are not to be affirmed, but decided with a judgement answering the questions

Conclusion Continued

presented with written opinions. (Federal right of due process--14th amendment.)

3. An order to the secretary of the Commonwealth of Pennsylvania that the Republican primary election(May 19, 1998) for the 12th Senate district contained an outrageous court proceeding and conspiracy and that the primary results from the 12th Senate district are to be voided.

4. An order to the Secretary of the Commonwealth of Pennsylvania that the 12th Senate republican primary is to be held on November 3, 1998 along with the general election.

IN THE COMMONWEALTH OF PENNSYLVANNIA

IN RE; NOMINATION PETITION OF DANIEL B. SNYDER AS REPUBLICAN CANDIDATE FOR THE OFFICE OF STATE SENATE FOR THE 12TH DISTRICT OF THE COMMONWEALTH PENNSYLVANIA

JOSEPH F. MORGAN,
Petitioner

EXCERPTS FROM THE TRANSCRIPT (PAGE 4) AND ALSO INCLUDED IN APPELLANTS BREIF (PAGE 5).

THE COURT: I guess the question I have is you are here now. This is an election matter. This is not a complaint where we can go through it. It's as if you are here-when did you learn about this case?

MR. SNYDER: On-well, I first read about it in-somebody told me about it being in the newspaper,but when I actually got-this is the original receipt from the prothonatary's office.

THE COURT: So you knew about it the 24th.

MR. SNYDER: That is correct.

THE COURT: Which was seven days ago.

MR. SNYDER: Your Honor, if it please this court, I am suffering a little bit from a viral infection and my voice may not be all it should be at some point in time.

THE COURT: As far as I'm concerned, you're served . You're prepared to proceed. I mean you were served the 24th.

MR. SNYDER: Well, your Honor, I'll make a notice of appeal on the record and I'd appreciate a

ruling from the State Supreme Court in that matter before this court proceeds.

THE COURT: Well, that's denied. Why don't we put the constable on also.

MR. WILLIAMS: Sure.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: NOMINATION OF DANIEL B. SNYDER AS REPUBLICAN CANDIDATE FOR THE OFFICE OF STATE SENATE FOR THE 12TH DISTRICT OF COMMONWEALTH OF PENNSYLVANIA

JOSEPH F. MORGAN, Petitioner NO. 253 M.D. 1998 HEARD MARCH 31, 1998

BEFORE: HONORABLE DAN PELLIGRINI, Judge
OPINION NOT REPORTED
MEMORANDUM OPINION
BY JUDGE PELLIGRINI FILED April 3, 1998

Daniel B. Snyder (Snyder) timely filed the Secretary of the Commonwealth a nomination petition for the May, 1998 primary to be the Republican Candidate for the 12th Senatorial District of the Commonwealth of Pennsylvania. Petitioner, Joseph F. Morgan (Morgan), a registered republican residing in the 12th District, filed a petition to set aside nomination petition because Snyder's nomination petition did not have the required number of signatures of 500 registered republicans required under section 912.1 of the Pennsylvania Election Code Act of June 3, 1937, P.L. 1333, as amended, 25 P.S. 2872.1(13).

Morgan contends that of the 578 signatures on Snyder's petition:

(Eighteen (18) are registered democrats.

(Eight (8) are registered libertarians, independents or other party affiliation.

(Seventy-two (72) individuals are nor registered voters.

(Seventeen (17) individuals reside outside the 12th District.

(Three (3) individuals are not registered at the addresses listed on the nomination petitions.

(One (1) individual signed the nomination petition twice.

(Nine (9) lines of nomination petition are crossed off by circulator and

(Seventeen (17) individuals have various defects dealing with date of signing.

A hearing was scheduled on the petition to set aside on March 31, 1998. At the hearing, Snyder, appearing pro se, made an objection contending that he was never personally served. Snyder admitted that he was aware that his nomination petition was challenged and had in fact obtained a copy of the petition to set aside on March 24, 1998 from the prothonatary's office of this court.

Nonetheless, he argued that the petition to set aside should be dismissed because neither he nor an adult individual residing at his home had been served personally. Morgan called Gerard Casale, a Pennsylvania constable, who detailed his efforts to serve Snyder. He testified that he attempted to serve Snyder at the 2672 Bristol Road address in Warrington but tat the address was not a residence

but a business address. Constable Casale stated that he attempted service at that address on March 20, 21 and 23, 1998 but no one came to the location. He then telephoned (215) 343-2454 and eventually reached a Rebecca Brown who said she was "the answering service". On March 23, 1998, Constable Casale said he went to 325 Bradford Avenue, Warrington, a residential address, because he somehow learned that Snyder was associated with that address. He testified that at 325 Bradford Avenue a person, who identified herself as Rebecca Brown and appeared to be in her twenties,

answered the door and said that she was Snyder's niece. Constable Casale stated that he left with her a copy of the petition to set aside. Snyder denied that Rebecca Brown was his niece.

While service was not effectuated upon Snyder and it is apparent that 325 Bradford was his home address, Morgan's efforts to serve Snyder were substantial. In view of the fact that Snyder had actual notice, received a copy of the Petition to Set Aside, and appeared at the hearing but was unable to proffer any reason why he was prejudiced, a ruling was made that Snyder had been served for purposes of proceeding with the hearing. When that ruling was made, Snyder asked that the hearing be held in abeyance until he could take an immediate appeal to our Supreme Court challenging the ruling that the service was valid. When that appeal was denied, Snyder left the room and did not to return.

In Snyder's absence the hearing continued. Because the 12th Senatorial District is in Bucks and Montgomery Counties, both Deena Dean, the Director of Elections for Bucks County, and Joe Passarella, the Director of Elections of Montgomery County, testified concerning the challenged signatures from their respective counties. From their testimony, each referring to the election records of their respective county, the following 104 signatures are found invalid:

The following people are registered with the Democratic Party

Page 1:	Lines 20, 46
Page 3:	Line 4
Page 4:	Line 19
Page 5:	Lines 3, 48
Page 6:	Lines 3, 40, 46
Page 7:	Lines 18, 20

Page 8: Lines 17, 19, 23, 45

Page 9: Line 47

Page 12: Line 9, 10

The following people are registered as Libertarian, Independents or Other parties

Page 1: Line 13

Page 4: Line 9

Page 6: Lines 1, 43

Page 7: Line 5, 48

Page 10: Line 25

Page 13: Line 11

The following people are not registered to vote

Page 1: Lines 4, 5, 8, 10, 12, 14, 19, 21, 22, 42, 43, 44, 45

Page 4: Line 38

Page 5: Line 1

Page 6: Lines 5, 8, 10, 15, 17, 22, 23, 33, 38, 41, 42, 47, 49

Page 7: Lines 4, 15, 31, 39, 40, 42, 43, 44, 50

Page 8: Lines 7, 14, 18

Page 10: Lines 7, 19, 25

Page 12: Lines 13, 14

Page 14: Lines 6, 11, 15, 17, 19

The following people are not registered to vote in the 12th Senatorial District

Page 5: Line 15

Page 8: Line 39

Page 9: Lines 11, 35

Page 10: Line 1

Page 11: Lines 2, 5, 13, 14, 15, 21, 22, 23, 27

Page 13: Lines 3, 9

Page 14: Line 3

The following person signed the petition twice

Page 13: Line 4

Line crossed out by circulator

Page 1: Line 47, 48

Page 2: Line 4

Page 5: Line 4, 15

Page 6: Line 19, 36

Page 7: Line 24

Page 15: Line 2

Because 500 valid signatures are required by Section 912.1 of the Pennsylvania Election Code for a Nomination Petition to be valid and Snyder only having 474 valid signatures, Snyder's Nomination Petition must be set aside.

DAN PELLEGRINI, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: NOMINATION OF DANIEL B. SNYDER AS REPUBLICAN CANDIDATE FOR THE OFFICE OF SATET SENATOR FOR THE 12TH DISTRICT OF COMMONWEALTH OF PENNSYLVANIA

JOSEPH F. MORGAN, No. 253 M.D. 1998

Petitioner

ORDER

AND NOW, this 3rd day of April, 1998, the Nomination Petition ofDaniel B. Snyder, as a candidate for the Republican nomination as State

Senator in the General Assembly from the 12th Senatorial District, having been found to contain less than the 500 valid signatures required by the Pennsylvania Election Code, the said Petition is hereby set aside. The Prothonotary is directed to notify the parties hereto or their counsel of this order and also to certify and forward a copy thereof to the Secretary of the Commonwealth.

DAN PELLEGRINI, Judge

SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

IN RE: NOMINATION OF DANIEL B. SNYDER, AS Republican Candidate for the office of State Senator for the 12th District

No. 40 M.D. Appeal
Docket 1998

Objection of Joseph F. Morgan

APPEAL OF: DANIEL B.SNYDER
O R D E R

AND NOW, this 15th day of April, 1998, probable jurisdiction
is herewith noted.

By----------
Prothonotary
NOTE: Briefing schedule for briefs to be filed not included. Both parties complied with the order.

[J087-98]
IN THE SUPREME COURT OF
PENNSYLVANIA
MIDDLE DISTRICT

In Re: Nomination Petition of
No. 40 M.D. App. Dkt. 1998
Daniel B. Snyder as Republican
Candidate for the Office of State
Order of the Commonwealth Court
Senator for the 12th District of
dated March 30, 1998, at NO.

the Commonwealth of Pennsyvania. 253
M.D. 1998.

Joseph F. Morgan

Appeal of: Daniel B. Snyder

Submitted: April 22, 1998

O R D E R
PER CURAM: DECIDED: April 28, 1998

AND NOW THIS 28TH DAY OF April, 1998, the Order of the

Commonwealth Court setting aside the Nomination Petition is

AFFIRMED.

JUDGEMENT ENTERED:

April 28, 1998

JOAN L. STEHULAK, ESQ.

DEPUTY PROTHONOTARY

IN THE SUPREME COURT OF
PENNSYLVANIA
MIDDLE DISTRICT

IN RE: NOMINATION PETITION OF
0040 M.D. Appeal Docket 1998
DANIEL B. SNYDER AS REPUBLICAN
CANDIDATE FOR THE OFFICE OF
STATE SENATOR FOR THE 12th
Application for Reconsideration of the
DISTRICT OF THE COMMONWEALTH
Supreme Court's Order of April 28, 1998
OF PENNSYLVANIA,,
affirming the Commonwealth Court's

Order Setting Aside Petitioner's

Nomination Petition
JOSEPH F. MORGAN

APPEAL OF: DANIEL B. SNYDER

ORDER

PER CURIAM:

AND NOW, this 15th day of May, 1998, the Application for Reconsideration of this Court's Order of April 28, 1998 is DENIED.

A TRUE AND CORRET COPY
ATTEST: 05/18/98

JOAN L. STEHULAK, ESQUIRE
DEPUTY PROTHONOTARY